

63G-14-101. Title.

This chapter is known as the "Utah Pilot Sponsored Resident Immigrant Program Act."

Enacted by Chapter 20, 2011 General Session

63G-14-102. Definitions.

(1) "Department" means the Department of Public Safety created in Section 53-1-103.

(2) (a) "Foreign national," except as provided in Subsection (2)(b), means an individual who is a citizen of a foreign country.

(b) "Foreign national" does not include an individual who is in the United States, but who is not lawfully present in any of the states of the United States.

(3) "Permit" means an identification permit issued in accordance with Section 63G-14-204.

(4) "Program" means the Utah Pilot Sponsored Resident Immigrant Program created in Section 63G-14-201.

(5) "Resident immigrant" means an individual who:

(a) is a foreign national; and

(b) is accepted into the program in accordance with Section 63G-14-202.

(6) "Sponsor" means an individual who agrees to sponsor a foreign national under the program in accordance with Section 63G-14-203.

Enacted by Chapter 20, 2011 General Session

63G-14-201. Creation of program.

(1) (a) The governor shall create a program known as the "Utah Pilot Sponsored Resident Immigrant Program":

(i) that is consistent with this chapter; and

(ii) under which a resident immigrant may reside, work, and study in Utah, except that the program may not permit a resident immigrant to travel outside of the state except as provided in Subsection 63G-14-206(1).

(b) The governor shall:

(i) begin implementation of the program by no later than July 1, 2017; and

(ii) end operation of the program on June 30, 2022.

(c) Under the program, the governor may facilitate transport to Utah for a foreign national who has been accepted into the program.

(d) The governor may recommend legislation to the Legislature to address how a resident immigrant is to be treated under statutes that relate to an alien.

(2) The department shall administer the program, except to the extent that the governor delegates a power or duty under the program to another state agency. Subject to Subsection (3), the department may make rules in accordance with Chapter 3, Utah Administrative Rulemaking Act, to implement the program to the extent expressly provided for in this chapter.

(3) The governor may act by executive order whenever the department is

authorized to make rules under this chapter. If there is a conflict between a rule made by the department and an executive order of the governor, the executive order governs.

Amended by Chapter 200, 2014 General Session

63G-14-202. Approval as a resident immigrant -- Ineligibility.

(1) To be considered for approval as a resident immigrant for purposes of the program, a foreign national shall:

- (a) file an application with the department;
- (b) at the time of filing the application be living outside of the United States;
- (c) pass a health and background screening;
- (d) provide evidence that the foreign national has not been convicted of, pled guilty to, pled no contest to, pled guilty in a similar manner to, or resolved by diversion or its equivalent to a felony or class A misdemeanor;

(e) file proof of sponsorship by a sponsor who meets the requirements of Section 63G-14-203; and

(f) pay a fee established by the department in accordance with Section 63J-1-504.

(2) A foreign national is ineligible for the program if the individual:

- (a) is in the United States at the time of application for the program; or
- (b) is a citizen of a country:
 - (i) designated by the United States State Department as a state sponsor of terrorism in accordance with section 6(j) of the Export Administration Act, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act;
 - (ii) against which the United States has declared war; or
 - (iii) against which the United States has imposed sanctions as listed under a sanctions program of the Office of Foreign Assets Control within the United States Department of Treasury.

(3) A foreign national may appeal the denial of participation in the program as a resident immigrant in accordance with Chapter 4, Administrative Procedures Act.

(4) (a) The department, in consultation with the governor, shall make rules in accordance with Chapter 3, Utah Administrative Rulemaking Act, that provide:

(i) what constitutes passing a health screening to be eligible to be accepted into the program, except at a minimum to be eligible to participate in the program an individual may not have a medical condition that would make the individual inadmissible for public health grounds under 8 U.S.C. Sec. 1182;

(ii) what constitutes a background screening to be eligible to be accepted into the program;

(iii) what constitutes proof of sponsorship to be provided by the foreign national;

(iv) the term for which a foreign national is considered a resident immigrant; and

(v) the process of obtaining a resident immigrant permit under Section 63G-14-204.

(b) When making a rule under this section, the department shall use federal standards as a guideline to avoid unnecessary duplication and additional costs.

63G-14-203. Sponsorship.

(1) (a) An individual who is a United States citizen and a resident of Utah may sponsor a foreign national as a resident immigrant by agreeing to assume financial responsibility for the foreign national in accordance with this section.

(b) An individual described in Subsection (1)(a) may sponsor:

(i) two individual foreign nationals; or

(ii) each individual in an association of individuals:

(A) who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses;

(B) who are relatives of each other; and

(C) at least one of whom is a parent.

(2) The department by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, shall establish eligibility requirements to be a sponsor, except that at a minimum the eligibility requirements shall require that the sponsor:

(a) prove an income level at or above 125% of the federal poverty level; or

(b) meet an alternative test created by the department that considers assets as well as income.

(3) (a) The department by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, shall define what constitutes an assumption of financial responsibility for a resident immigrant, except that at a minimum the rules shall require that the sponsor agrees:

(i) to accept responsibility for any financial liability a foreign national incurs while participating in the program;

(ii) to an assumption of financial responsibility for the foreign national that is equivalent to the financial responsibility that a parent has for a dependent child; and

(iii) that the state may consider the sponsor's income and assets to be available for the support of the resident immigrant sponsored by the sponsor.

(b) A sponsor violates this chapter if the sponsor fails to pay a financial liability of a resident immigrant that is not paid by the resident immigrant and that is subject to the sponsor's assumption of financial responsibility for the resident immigrant.

(4) (a) To terminate the sponsorship of a resident alien, an individual shall:

(i) notify the department; and

(ii) provide evidence satisfactory to the department that the resident alien no longer resides in the United States.

(b) A sponsorship is terminated the day on which the department certifies that the sponsor has complied with Subsection (4)(a).

(5) A sponsor shall prove to the satisfaction of the department that a resident immigrant leaves the United States if:

(a) the resident alien is disqualified from the program; or

(b) the sponsor terminates sponsorship.

63G-14-204. Resident immigrant permit.

- (1) The department shall:
 - (a) create a resident immigrant permit to be issued to an individual who is a resident immigrant that:
 - (i) is of impervious material that is resistant to wear or damage; and
 - (ii) minimizes the risk that the permit may be forged, falsified, or counterfeited;
 - and
 - (b) ensure that a permit:
 - (i) includes a photograph of the individual to whom the permit is issued;
 - (ii) prominently states the day on which the permit expires;
 - (iii) prominently states the type of permit; and
 - (iv) includes a unique identifier.
- (2) The department shall establish the fee under Section 63G-14-202 to be adequate to pay the costs incurred to issue a permit.

Enacted by Chapter 20, 2011 General Session

63G-14-205. Employment and taxation obligations under the program.

- (1) A person in the state may employ a resident immigrant.
- (2) A resident immigrant, or a resident immigrant's employer, shall pay all income taxes and employment taxes, fees, or charges in accordance with the program.
- (3) (a) The State Tax Commission shall, by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, provide a means that is effective as of the day on which the governor begins implementation of the program under which a person who receives services from a resident immigrant to withhold from compensation paid to the resident immigrant an amount to be determined by State Tax Commission rule that, as closely as possible, equals the income taxes that would be withheld under state law if the resident immigrant were an employee with a Social Security number.
- (b) The rules described in Subsection (3)(a) shall be substantially similar to Title 59, Chapter 10, Part 4, Withholding of Tax.
- (c) As part of the program the governor shall provide a method by which there is collected and remitted to the federal government the money collected that is equivalent to the income and employment taxes that would be withheld under federal law if a resident immigrant were an employee with a Social Security number.

Enacted by Chapter 20, 2011 General Session

63G-14-206. Restrictions on activities of resident immigrant.

- (1) (a) A resident immigrant may not travel outside of the state without the express written approval of the department.
- (b) The department shall by rule, made in accordance with Chapter 3, Utah Administrative Rulemaking Act, provide a process by which a person obtains approval to travel as required by Subsection (1)(a).
- (2) The department may by rule, made in accordance with Chapter 3, Utah Administrative Rulemaking Act, impose other requirements to maintain the status of a

resident immigrant that are consistent with this chapter.

Enacted by Chapter 20, 2011 General Session

63G-14-301. Disqualification from program.

(1) A resident immigrant is disqualified from the program if after becoming a resident immigrant the individual:

(a) is convicted of, pleads guilty to, pleads no contest to, pleads guilty in a similar manner to, or is resolved by diversion or its equivalent to a felony or class A misdemeanor; or

(b) violates the terms and restrictions of the program.

(2) In accordance with Chapter 4, Administrative Procedures Act, the department may bring an action to terminate a resident immigrant's participation in the program for a violation described in Subsection (1).

Enacted by Chapter 20, 2011 General Session

63G-14-302. Penalties on sponsors.

In accordance with Chapter 4, Administrative Procedures Act, the department may:

(1) impose a fine on a sponsor who violates Subsection 63G-14-203(5) not to exceed \$5,000; and

(2) prohibit a sponsor from sponsoring another resident alien for a period of five years for a violation described in Subsection 63G-14-203(3)(b).

Enacted by Chapter 20, 2011 General Session